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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,138

02/09/2004

Bennett J. Beer

8398

7590

07/20/2005

Norman E. Lehrer
1205 North Kings Highway
Cherry Hill, NJ 08034

EXAMINER

CEGIELNIK, URSZULA M

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tath

Office Action Summary	Application No.		Applicant(s)	
	10/774,138		BEER, BENNETT J.	
	Examiner		Art Unit	
	Urszula M. Cegielnik		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites "product interface holder panel". It is not clear what structure(s) is encompassed by this recitation. Furthermore, it is not clear what applicant intends to claim by "standardized insert". Yet still, the claim recites, "the generic product holder (30) is sized to receive stationery items, jewelry, and consumable food items". It is not clear as to what size the generic product holder has to be in order to receive stationery items, jewelry, and consumable food items.

Claims 14 and 15 recite limitations having insufficient antecedent bases. Claim 14 recites the limitation "permanent attachments" in line 2. Claim 15 recites "the (said) inventive design" (lines 1-2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hodge.

Hodge discloses a product holder interface panel (22) attached to a plush figure in a temporary fashion (e.g. by sewing, for example); a generic product holder (30, *which is capable of holding photographs*) is permanently attached (e.g. *made integral with*) to the product-holder interface panel (22) (col. 3, lines 56-57) (*Figure 3, reference part 22*) forms part of the aesthetic representation (e.g. *a character, such as depicted in Figure 1*); the generic product holder (30) is sized to receive stationery items (*such as an ID sheet 50*); a closure mechanism (40,42) protects the product holder interface panel (22) and permanent attachments (e.g. *closure mechanism 40,42 protects the product holder interface panel 22 and the generic product holder 30 [which may be made integral with the product holder interface panel, col. 3, lines 56-57; col. 4, lines 5-10] from handling and damage by concealing elements 22 and 30 from exposure to things or situations that would cause damage thereto*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hodge in view of Tai et al.

Hodge discloses the claimed invention except for a handle to add portability to the stuffed or plush article.

Tai et al. disclose a stuffed toy (10) that doubles as a carrying article (col. 2, lines 7-10). The stuffed toy (10) includes a handle (12).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a handle as taught by Tai et al. since Tai et al. state at col. 2, lines 7-10, that such a modification would permit the stuffed toy to be carried from one place to another.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM - 2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 571-272-4419.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.

Application/Control Number: 10/774,138

Page 5

Art Unit: 3714

Urszula M. Cegielnik

Assistant Examiner

Art Unit 3714

A handwritten signature in black ink, appearing to read 'D. Banks', with a large, stylized flourish extending from the end.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700